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Legal-Administrative Differences in Finnish-Russian Crime Prevention

Heusala, Anna-Liisa

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## **'Rules of the game' in cross-border cooperation: legal-administrative differences in Finnish-Russian crime prevention**

**Anna-Liisa Heusala**

Aleksanteri Institute, University of Helsinki

**Jarmo Koistinen**

National Bureau of Investigation, The Police of Finland

### **Abstract**

The article illuminates the dynamics of bilateral cross-border cooperation between two vastly different legal-administrative partners. The analysis utilizes empirical findings of a case study on bilateral Finnish-Russian crime prevention cooperation. Currently, both the differences in national legislations and the fast-changing administrative environment make this cooperation challenging. The case study showed that bilateral cooperation, which is the dominant form of cooperation between EU member states and Russia, is currently affected by disjointed and even competing multilateral and bilateral structures, differences in criminal law and procedure, gaps between international treaties and national legislation, local and regional variation in practices, weak institutional trust and abrupt policy changes. The results indicate that the effectiveness of cross-border networks cannot be assessed strictly in terms of quantitative outcomes. Further long-term development of cooperation requires both realistic understanding of legal-administrative constraints and strong commitment at the national and supranational political levels.

### **Key words**

administration in transition, administrative culture, legal culture, security, comparative law

## Introduction

Today cross-border cooperation requires strong institutional trust between different administrative and legal cultures. Modern security strategies stress proactive measures (see Tholen, 2010: 268) at global (Cope et al., 1997), regional and national levels (see Bowling, 2009). A key area of this evolution has been cooperation in combatting cross-border crime (Alain, 2001; Benyon, 1994; Block, 2008; den Boer, 2002; Gill, 2006; Sheptycki, 2002, Hills, 2009; Nohrstedt and Hansen, 2009; Sheptycki, 2002).

Cross-border cooperation requires that clear jurisdictions are complemented by networks and diffuse geographical borders (Buzan, 1991; Sheptycki, 2002) which include political, technical and operative questions at different administrative levels (Alain 2001; Benyon 1994; Niemenkari, 2003). Macro-level governmental questions involve constitutional and international legal agreements and the harmonization of national laws and regulations. The organizational meso-level sets up specialist organizations and joint databases and coordinates activities. The micro-level involves the actual investigation of specific offences and the prevention and control of particular forms of crime. The challenge is to create a coherent and strategically well-planned system which is based on the practical needs of professionals (Gerspacher and Dupont 2007; Jones 2008).

To advance this development, cooperation in the EU has included the founding of joint organizations such as Europol (1999) and Eurojust (2002), the creation of legal instruments such as the European Arrest Warrant (EAW) and the Treaty on Legal Assistance in Criminal Matters, the development of exchanges and the joint education of officials. The border, police, customs, visa and justice authorities of Schengen Treaty countries jointly use the Schengen Information System (SIS). In connection with this internal structural harmonization, the EU has developed its interaction with third parties, of which the Russian Federation has been the most important. The Cooperation Agreement between the Russian Federation and Europol (2003) covers eight types of offence and involves the exchange of strategic and technical information, experience and best practices, legislative acts and other professional material, as well as various types of meetings. The Russian Ministry of the Interior is the principal authority, with a National Contact Point. Russia participates in Europol's analytical activities, providing regular information on organized crime and international terrorism.

Even as the political goal before the crisis of 2014 was to create a visa-free area between EU and Russia, the cooperation lacked true operative effectiveness (Block

2008). In the future, European law enforcement agencies will attempt to work as a more unified system in their cooperation with the Russian Federation, which will require more detailed attention to administrative and legal differences. Researchers have underlined the fact that Russian institutions recycle the unofficial practices of the Soviet system and modernization efforts are superficial (see Brovkin, 2002; Gelman and Starodubsev, 2014; Gilinskyi, 2006; Goncharov and Shirikov, 2013; Ledyayev, 2009; Oleinik, 2009). We have wanted to look beyond the explanations of path dependency (see Meyer-Sahling, 2009). We have sought answers to the question of how the structural arrangements of the cooperation and the administrative environment where this cooperation takes place affect actual operative police work. Our hypothesis has been that the environment has a dominating effect on the current cooperation. At the same time, we claim that legal and administrative questions in EU-Russia bilateral cross-border cooperation have not been studied in a manner where legal and administrative differences (see Ziller, 2005) are clearly defined and their impact evaluated. This results in structural differences being given political or cultural explanations, while real cultural differences in law and organizations are not given the kind of informed attention they deserve.

Cross-border cooperation depends on stable and transparent practices which should not be primarily based on personal relations, but instead on legal norms and official channels of assistance. The current administrative environment in the Finnish-Russian case, however, has elements which we call a 'risk administration' (Heusala, 2005; c.f. Beck, 1992). This refers to a public administration whose core cultural values are undergoing a major transformation. Changes produce risks, such as incoherent planning, diffuse leadership, administrative cliques and corruption (Heusala 2005: 45-48). In the legal sphere, transformation happens in the positivist law at three levels (e.g. Tuori, 2000: 217-229) which are all affected by elements of a 'risk administration'. On the surface level, which consists of legislation, formal court practice and legal science, changes can be fast. In the middle level, which includes legal concepts, legal principles, and the doctrine of the legal sources, change typically takes a longer time. In the inner level, the 'deep structure' of the legal system, the principles and conceptions of fundamental rights in a society, may take generations to truly change.

We have examined how these features affect cross-border cooperation in the work of police liaison officers. Our case, based on new empirical material, is the Finnish-Russian cooperation which has been developing for the past 20 years. This cooperation, which is one of the most active in Europe, is based on the treaties of the Council of

Europe and the European Union and the bilateral treaties between its member states and the Russian Federation. The most important tool for the preliminary investigation is the bilateral government level Treaty on Crime Prevention (1993). The Finnish liaison officers work at the heart of the cross-border crime investigation. Even as the current political crisis has paralysed governmental contacts, the face-to-face operative work has continued. The results of our analysis are meant to offer tools for the future development of this cooperation at both the bilateral and EU-Russia levels.

### **The research design and analysis**

Finnish liaison officers represent the Finnish central authority (National Bureau of Investigation) in Russia and facilitate Finnish analytical and criminal intelligence work in cooperation with the Russian authorities. Their daily work consists of supporting police operations by delivering official requests for assistance and facilitating their progression. In 2015 Finland has six police liaison officers in Russia, of whom two work part-time in Murmansk and Petrozavodsk, three work full-time in St. Petersburg and one in Moscow. The general forms and practices of cooperation have remained the same since the time of our interviews.

The new empirical material was collected in Finland in 2011 through qualitative theme interviews with 12 experienced police officers who were involved in cross-border cooperation in Finland and Russia. The target group members were interviewed face-to-face by the authors for 1-2 hours each with the intention of shedding light on the experiences of the interviewed persons. The interviews and other material collection techniques were structured around three themes: (1) legal structures of the cooperation (international treaties and national legislation), (2) implementation and results of the cooperation (stability and quality of assistance, information flows between partners, coordination and effectiveness of cooperation), and (3) the administrative environment of the cooperation (interpretations of legal instruments, structures of authorities, intercultural communication and trust, professionalism, planning and guidance of international cooperation). We covered the national, organizational and individual levels in our questions. The interview material was analysed using of qualitative text analysis by way of information clustering. The concepts which were produced through the clustering process were grouped under the original three main themes. Analytical generalizations were made based on this material.

Written material included the contractual basis of cooperation and information collected from the National Bureau of Investigation (NBI) about the history of liaison officer

work in the Russian Federation. Finnish and Russian legislation and their interpretative sources, as well as Criminal investigation protocols from the NBI organized crime investigation unit (Nro 2400/R/477/06 and Nro 2400/R/124/07), were also utilized. An essential part of our effort was to raise questions about legal challenges. (Jansen 2006, 306-307, 336; Örcü 2004, 11, 34) Our comparison concentrates on the differences of pre-trial investigation and the position of suspects in the various stages of this investigation.

### **Legal norms in parallel criminal investigations**

Among their other tasks, the Finnish liaison officers in Russia operate as coordinators of parallel criminal investigations by two or more countries. This involves the facilitation of information exchange and finding the appropriate contact persons for cooperation, as well as making decisions about where charges are going to be pressed and which information can be utilized in the subsequent court process. In the work of the liaison officers, main legal challenges are connected with differences both in the jurisdictions of authorities and in the phases of criminal investigation.

Cooperation between Russia and EU countries has to a large extent depended on bilateral treaties (Block, 2008: 74). The Finnish-Russian law enforcement cooperation is based on the Treaty on Crime Prevention Cooperation between the governments of Finland and the Russian Federation (1993) and the European Convention (hereafter EC) on Mutual Assistance in Criminal Matters (1959). The bilateral treaty guarantees direct contacts between local and regional law enforcement officials and is useful in the operative exchange of information, particularly in the intelligence-gathering phase, although it needs to be complemented with the use of the EC of 1959. It gives the authorities the right to provide assistance in interviews (interrogations), accumulation of evidence, clarification of identity, search for missing persons, confiscation of property, attainment of documents, and exchange of information concerning these matters.

In the bilateral treaty, the Finnish central authority is the National Bureau of Investigation and the competent parties are the Police, the Finnish Border Guard and Customs. Russia has four central authorities: the Office of the Prosecutor General of the Russian Federation, the Ministry of Internal Affairs, the Federal Customs Service and the Federal Security Service (FSB). The Russian competent parties are the Ministry of Internal Affairs, Federal Security Service (FSB), Narcotics Control Agency, Anti-Money Laundering Agency, Customs, Head Prosecutor's Office and Federal Committee of Investigation.

The different jurisdictions of the competent authorities set limitations to cross-border cooperation. The Finnish system of pre-trial investigation is led by the Police, although in specific types of crime, the Border Guard and Customs have full investigative competence. In Russia, however, the jurisdictions of the authorities have changed several times during the current Codex of Criminal Process (Ugolovno-protsessual'nyi kodeks RF (18 December 2001) No. 174-F3, *SZ RF* (2001) No. 52 with changes) and the Russian law has two forms of investigation: comprehensive pre-trial investigation and so-called limited investigation. The form of an investigation depends on the seriousness of the crime. The authorities for a comprehensive pre-trial investigation include the Federal Investigation Committee, the Federal Security Service (FSB), the Ministry of Internal Affairs and the Federal Drug Control Service. Search and intelligence-gathering is conducted by the authorities of the Ministry of the Interior, FSB, and Federal Drug Control Service. Criminal intelligence-gathering is also carried out by federal security organizations, Customs, foreign intelligence and prison authorities.

The investigation of petty offences is based on the law on administrative offences - a hybrid law lying between the purely administrative and criminal laws (Koistinen, 2012: 100-110). The Customs of the Russian Federation can currently conduct only investigations on administrative offences and criminal offences restricted to evasion of customs payments and smuggling cash money which prevents full cooperation with the Finnish Customs in pre-trial investigation of drug related crimes.

Legal differences in the launching of a criminal investigation (or the opening of a criminal case) have a significant impact on the way that parallel investigations are carried out. According to the Finnish Pre-trial Investigation Act (Section 3 of Chapter 3) the criminal investigation authority should conduct an investigation when “there is reason to suspect” that an offence has been committed. In the Russian Criminal Procedure Code (Section 140) the grounds for the institution of a criminal case, i.e. launching a criminal investigation are “the existence of sufficient data, pointing to the elements of a crime”. As the “existence of sufficient data” (Russia) requires more information on a suspected crime than “reason to suspect” (Finland), the Finnish authorities reach the actual threshold of a criminal investigation earlier than their Russian counterparts.

This leads to the next procedural difference which concerns intelligence gathering for evidence. Unlike the Finnish Police, the Russian Police do not automatically register a reported crime, but begin a so-called inspection phase (Vagin and Isitsenko, 2004) to

uncover whether there exists sufficient evidence of a crime. This phase was originally created in the Soviet times to guarantee the constitutional rights of the parties to the criminal investigation, but today its purpose seems less clear. Undercover operations based on the Operative Investigation Activity Act (Federalnyi zakon ot 12.08.1995 No:144-FZ “Ob operativno-rozysknoi dejatel’nosti”) can be used by the Russian authorities quite freely in questioning, document search, and obtaining reference samples. The Russian authorities may, for instance, request a seizure of documents from a Finnish company during their inspection phase, a request which is only possible in Finland during the pre-trial investigation. Russian scholars have stated that the inspection phase is in fact a criminal investigation (Bezlepkin, 2004: 209), even though it does not result in the gathering of a full body of evidence (Ryžakov, 2011: 21). For national court procedures, the Finnish Police have to use the EC of 1959 to acquire any data (intelligence information) gathered during the Russian inspection phase.

“In criminal investigations the Russian authorities immediately use information provided by informants or gathered with the help of covert methods.” i

“The threshold for launching or opening the criminal case is much higher in Russia than in Finland, where it is very low. The Russian authority conducts a so-called inspection of facts before launching a criminal investigation. The inspection phase is carried out at the same time as the Finnish authority is already conducting their pre-trial investigation. In practice it has been common to carry out parallel investigations - the Russian authorities conduct their inspection before opening the criminal case, while the Finnish authorities are already conducting their pre-trial investigation. Furthermore, the material gathered by the Russian authorities has to be ‘legalized’, which means that a criminal case will be opened in Russia and the material [of the inspection] becomes a part of that criminal case.”

Coordination of parallel investigations is affected by both the legal position of possible perpetrators and the investigation procedures. Finnish law uses the term ‘a suspect of a crime’ until the end of the pre-trial investigation, while in Russian pre-trial investigation a possible perpetrator is called ‘an accused of a crime’. The threshold for pre-trial investigation in Russia seems to correspond with the Finnish indictment. The Russian investigator carries out the same tasks during the pre-trial investigation as the Finnish prosecutor carries out after the pre-trial investigation. The Finnish pre-trial investigation (Criminal Investigation Act, Chapter 2 of Section 10) intends to find out if there are probable causes for prosecution (Criminal Procedure Act, Chapter 6 of Section 1) and it



leads to a protocol of the investigation which the prosecutor uses as a basis for an indictment. In Russia, the investigator presses the charges at the beginning of the pre-trial investigation (Criminal Procedural Code, Section 172). The Finnish prosecutor may take several months to reach a conclusion, while the Russian prosecutor has exactly 10 days to make a final decision (a legal evaluation) on the case after the investigator has delivered the indictment (Criminal Procedural Code, Section 221).

“Problems have occurred with the application of the EC [of 1959], especially in cases, when the Finnish authorities request the Russian authorities to interview a Russian citizen as ‘a suspect of a crime’. For the Russian party, the interview is possible only when a parallel criminal investigation has been launched in Russia.”

In addition to these practical differences in procedures and jurisdictions, the wide legal powers of the Russian authorities raise questions with regard to the still strong Soviet-era practices and ways of thinking (e.g., Radtsenko et al., 2010: 7–9). For instance, criminal investigations which do not lead to an indictment can lead to a complaint about the investigator. These differences between the Finnish and Russian norms and legal thinking can also be evaluated with the help of the rulings of the European Court of Human Rights (ECHR) (Van der Vet 2014a). The rulings are related to core areas of the Convention, which are the right to a fair trial (Russia 654 - Finland 37), the right to liberty and security (Russia 605 - Finland 2), inhuman or degrading treatment (Russia 504 - Finland 1), the protection of property (Russia 501 - Finland 2), the right to an effective remedy (Russia 368 - Finland 10).<sup>ii</sup> By January 2013, 28,600 Russian applications were pending before the ECHR (Van der Vet 2014b).

Differences in the core values of the legal system must be acknowledged in the further development of the legal basis of cooperation. The national legal provisions and discretion to rules stand out as questions which require close attention in bilateral cooperation. Although legal harmonization seems unlikely at the moment, in the longer run, the joint commitment to overcome differences should be reinforced.

### **Effectiveness of joint structures**

In the European Union member states, joint investigation teams have had a significant effect on the effectiveness of legal assistance. Finland and Russia, however, have not ratified the additional Protocol of the European Agreement on Legal Assistance (CETS 182). Because of this, the harmonization of bilateral treaties and joint structures with all

relevant Russian authorities is important. Additional agreements, for instance on comparisons of drug samples, should have a similar effect. As a result of 20 years of local, organizational and regional arrangements between the Finnish and Russian parties, strategic decision-making about the development of the cooperation has become a complex task. The interviews revealed a need for more comprehensive and detailed bilateral and European cooperation agreements which could be politically supported by both sides, as well as support for ground-level operative work in the national strategic-level planning. Coordination of cross-border activities is important because the ongoing Russian reforms and changes of key personnel have weakened systematic commitment on both sides of the border.

“It is vital to integrate Russia into EU structures to create functional cooperation, for instance in Europol. However, not all EU member states see Russia as an important factor for the development of their work. Currently, we have no cooperation between liaison officers from other EU member states in Russia”.

“It is important that the basis of contracts covers all types and levels of activities.”

“The Russian changes are so hectic that [Finnish Police] chiefs do not necessarily have an up-to-date understanding about what type of support they should give us.”

Finnish liaison officers concentrate on working with the North-Western branch of the Federal Drug Control Service. The interviews revealed that the FSB, which has an official task to act as the coordinator of security policy implementation (RF Federal’nyi Zakon “O bezopasnosti” (28 December 2010) No.390-FZ), has become more prominent in international contacts. The Russian side has increasingly underlined equality and precision in the implementation of international treaties in recent years. The respondents emphasized the positive developments in the speed and extent of information exchanges during the duration of the bilateral treaty (1994). The Russian authorities have been more active in making official requests, but the Finnish respondents felt that these requests often included limited information or requests which were not connected with specific criminal cases. The Finnish Police, on the other hand, often refrain from making requests because they feel that this is complicated and time-consuming.

“If a Finnish Police officer asks for somebody’s telephone number from a Russian official, it takes two weeks to get an answer. So our work is slowed down because of such situations.”

“Getting an authorization for mundane things varies from situation to situation. The [Russian] answer may be such as ‘We have an answer for you, but we are processing it’.”

Even though the Finnish liaison officers were experienced in serious crime investigations, their 2 to 5 year rotation negatively affects organizational learning. The orientation of new liaison officers is mostly done on the job by colleagues. Finnish investigations would benefit if analysis and exchanges of information evolved from case-based work towards a more comprehensive reporting on the forms of cooperation and the Russian environment. The respondents felt that they should also receive more feedback from their Russian counterparts. Cooperation has evolved in a piecemeal manner through a ‘learning by doing’ method over the years, and governmental level and organizational strategic level contacts with Russian authorities were typically cautious and formal.

“In the 90s we met the Russian authorities once a month and gave a response to them the next month. At the beginning of the 2000s, our cooperation became consolidated; new contact persons began to take care of the cooperation. Since 2008, the Russians have started to give us feedback on the effectiveness of operative assistance. But still, we have a long way to go towards a fast exchange of information.”

“Cooperation depends on Russia. We should support their commitment, but we do not have the tools.”

“The more we cooperate, the more high class information we get from Russia. But the Finnish Police are still quite ignorant about the Russian authorities.”

“The indicators used in the measurement of effectiveness [in the Finnish Police] create pseudo-activities and distorted goals. For instance, confiscations are highly valued in drug-related crime prevention, while halting smuggling or uncovering smuggling channels gets less attention.”

Both the dialogue with Russia and the decision-making about cooperation in Finland would benefit from better processing of information and experience gained in the operative work in Russia, coordination of goal setting and following up of results at different administrative levels. More thorough training of new liaison officers about the Russian administrative and legal environment also stands out as important. If the intention in the longer run is to gradually replace the current parallel case-by-case

investigations by joint investigation teams, the previously mentioned measures should be combined with a joint system to analyse the effectiveness of official requests for legal assistance.

### **The administrative environment of cooperation**

In Russia, the last 20-plus years have been marked by several major legislative changes (Kahn, 2008), which have had a considerable effect on cross-border cooperation. The new Criminal Code came into force in 1997 and the Criminal Procedural Code in 2002. These continue to be amended. The creation of security policies culminated in the 2009 National Security Strategy of the Russian Federation (*Strategia natsionalnoi bezopasnosti Rossijskoi Federatsii do 2020 goda*, 12.5.2009, No 537). The strategy was updated with a presidential decree in the end of 2015 (*Ukaz Prezidenta Rossijskoi Federatsii*, 31 December 2015, Nro 683 “O Strategii natsional’noi bezopasnosti Rossijskoi Federatsii”). The new law on the Police (*Federalnyj zakon ot 07.02.2011 N3-FZ “O politsii”*) started a much waited for and subsequently heavily criticized programme of the comprehensive overhaul of the Russian police. The on-going police reform aims to set professional standards for police work and to ‘cleanse’ the police administration of corrupt practices. The latest reform is by no means the first of its kind, but instead follows a series of reforms which were conducted in the 2000s in the Ministry of the Interior (see Renz, 2011).

Russian reforms have used the vehicles of administrative mergers, re-divisions and the creation of new administrative organizations (such as the Border Guard Service and the Narcotics Control Agency). The current changes originated from President Putin’s decision in 2000 to create seven federal districts which included functions of the Internal Ministry and the Prosecutor. Simultaneously, the Federal Tax Police and the Migration service were incorporated into the Internal Ministry and the correctional services into the Ministry of Justice. Important changes have taken place in the prosecutor’s position and serious crimes investigations. Prosecutors no longer have the right to arrest persons, nor can they launch an investigation, take part in the investigation, or order others to carry them out. The establishment of the Federal Drug Control Service (2003) consolidated investigations on organized drug-related crimes (Renz, 2011).

The organization of the police has also undergone various changes from decentralization to the current re-centralization. In the old law, the public order and safety policing were a part of the subjects’ administration, meaning that the regional

police chiefs were dependent on the central government while local police units were dependent on local governments. (Beck and Robertson, 2009; Heusala et al., 2009: 111). The constant re-organizations have destabilized police work and also led to commercialized policing. This means not only legitimate public-private partnerships (Favarel-Garigues, 2004: 20) but also unofficial charity from business organizations and ‘ordered investigations’ (*zakaznye dela*) (Salomon, 2005: 233). The ongoing reform seems to want to tackle the use of various forms of corrupt practices (Hensell, 2012) but its unintended side-effect of is a ‘securitization’ of administrative decision making processes (Heusala, 2013) which slows down coordination and organizational learning at the regional and local levels. Still, the respondents of our interviews welcomed the reform:

“There is money for development, both in the Ministry of Interior and in the Drug Control Service, the Russians have told us.”

“Our cooperation is best with the Federal Drug Control Service. The FSB is active in everything, in the sense that it controls technical surveillance and many other practical matters.”

The structural arrangements on the Russian side have made cooperation a complex matrix. Regional variations in activeness characterize cooperation. From the Finnish perspective, both institutional trust and coordination among the Russian authorities is still far below the ideals of effective proactive policing. Explanations for this can be found in a number of areas, most of which are not predominantly specific to Russia, such as jurisdictions, effectiveness criteria, security classifications, resource competition between organizations and career development. Lack of coordination can also be attributed to the claimed existence of corruption and other unofficial mechanisms of influence in the Russian security administration. (see Gilinskiy, 2006; Zernova, 2011: 6;).

“The Russian authorities guard their territories. They don’t give anything to others [authorities].”

“In the Drug Control Service in St. Petersburg cooperation with Finland is done by approximately 10 persons. In other words, we cooperate with people, not with an organization.”

“Territorial disputes between Russian authorities can be felt locally as well.”

To a large extent, Finnish-Russian cooperation at the practical level is based on informal cross-border contacts (see Block, 2008) and is dependent on the volatile commitment of the Russian organizations. This short-term results-orientated approach is susceptible to personnel changes. The development of work does not evolve from case-based arrangements to a more comprehensive assessment of the investigation process. Adjusting to administrative and legal changes is a repeated challenge to ‘reinvent the wheel’ for both the Finnish and Russian partners. Instead of projecting positive organizational learning to their home institutions, the Russian partners needed to consume time and energy on the ‘inner games’ of their own organizations, particularly with regard to safeguarding their investigations from corruption-related information leaks.

In spite of these elements, the Finnish liaison officers expressed strong collegial sympathy and willingness for goal-orientated practical action and better coordination across the border. This general attitude is not affected by allegations or experiences of ethical problems in Russian law enforcements agencies. Paradoxically, the weak credibility of the Russian police in the courts requires Russian investigators to carry out their work diligently. Their Finnish colleagues did not raise any suspicions of prosecution quotas or systematic forgery of evidence. This critique has been raised by research on the Russian police, which has shown that Soviet-era thinking on efficiency has a considerable effect on officers. Paneyakh (2013: 177) has pointed out that the Russian Police still have institutional autonomy, which flows from centralization, little feedback from local communities, few internal controls, partially due to turnover of personnel, and weaknesses of the judicial system. The Finnish respondents, however, emphasized the professionalism and morale of the Russian investigators in their own networks. Their often harsh physical conditions and strong professional identities were testified to in the Finnish descriptions of Russian Police working around the clock, using their private vehicles and phones.

“When the Finnish police starts, the Russians carry on the task, often with a good work input.”

“Work ethics and enthusiasm are impeccable in Russia.”

“They act faster than in Finland, irrespective of whether the case is about 1kg or 100g of drugs.”

Trust between the Finnish and Russian authorities has developed as the professionalism and resources of the Russian police have been consolidated. At the same time, this trust

was limited to personal networks. Consolidation seemed to be a double-edged sword. Paradoxically, corruption had increased because of positive structural developments.

“Internal networks need to be evaluated continuously in Russia for the protection of information.”

“In the international unit of the MVD only two persons stayed after the reform.”

“In the 90s, the authorities were so weak [in Russia] that corruption was not needed. Now, because they are strong, corruption is used. In the 2000s, authorities have become more organized, they now do what they have to do.”

“[In the 2000s Russian official] activities have become more professional and predictability has increased, we can talk about corruption openly.”

The consolidation of the security administration is connected to both the stabilization of the Russian economy and the centralization in governmental decision-making. Centralization has not meant the end of unexpected changes, though. Previous studies have indicated that the more important a question is to Russian national security, the more centralized and more easily subject to change it is (Legvold, 2011: 24).

“Developing the cooperation requires that the [Finnish] leadership has face-to-face discussions with the [Russian] authorities.”

“All liaison officers share the feeling that closedness and excessive bureaucracy have increased in recent years. 1998-2003 was still an open time; from then on centralization and control – among others on the part of the FSB – has increased.”

The current professionally built local and regional networks are vulnerable to political changes. Finnish-Russian cooperation has been influenced by questions far outside the scope of crime investigation, such as high-profile politicized family law disputes between the Finnish and Russian authorities. Balancing international treaties with domestic laws can easily create misinterpretations. At worst, these can then be explained as proof of political opposition to cooperation in partner organizations. The Finnish-Russian case demonstrates that sustainability of cooperation requires looking far ahead in the future and also being able to re-evaluate current activities, while constantly keeping the dialogue going.

## Conclusions

Bilateral treaties have created a way in which to advance much needed practical goals. However, the ideal type of cooperation builds a 'third administrative culture' between partners. In such a culture, trust can be built on professional social capital (Bouckaert, 2006), which is based on long-term commitment that continues to view cooperation as a mutual learning process. The case study, which we have presented as an example of bilateral relations, showed that cross-border cooperation is currently affected by disjointed and even competing multilateral and bilateral structures, differences in criminal law and procedure, gaps between international treaties and national legislation, local and regional variations of practices, and abrupt policy changes. If this picture is examined at the EU-Russia level, the challenges will be multiplied by various forms of law enforcement and legal systems in Europe.

The position of the Finnish liaison officers in the current administrative environment is two-fold. On one hand, there is strong willingness to devote themselves to goal-orientated practical action and develop better coordination across the border, which could potentially create a fertile environment for future development towards joint investigation teams. On the other hand, the motivation and ability of the Russian law enforcement organizations is often paralysed by central government policies and abrupt legal changes, which weaken organizational learning. The Finnish police leadership may not be committed to seeing the long-term benefits of learning processes which multicultural cooperation necessitates.

The Finnish-Russian experiences are not unique or significantly different from the problems found with EU law enforcement cooperation or in international intelligence cooperation (Lefebvre, 2003). Hämäläinen (2009) studied EU cooperation in police work and found similar challenges. Even though the structural development in Europe has advanced quite rapidly, legal-administrative cultures and politics have dominated over operative cooperation. The main difference between EU-wide law enforcement cooperation and collaboration with Russia seems to be the strong effect of the Russian transformation. At the European level, lack of trust was related to work practices and cultural differences (Hämäläinen, 2009), whereas in collaboration with Russia, lack of trust remains institutional.

Our results indicate that the effectiveness of cross-border networks between vastly different partners cannot be assessed strictly in terms of quantitative outcomes. Both legal differences and the administrative environment in Russia have significant effects



on the cooperation. In future developments, the core legal and administrative values also come into play. As Harlow (2005) has pointed out the law represents a conception of government activities depending on certain type of rationality. From the Finnish perspective, the Russian legislation requires changes in the position and rights of the parties in criminal procedure. This seems unlikely at the moment, when Russia is seeking to strengthen its sovereignty.

The current accent on national security in the Russian state management does not necessarily mean only obstacles for the future of cooperation. The framework of the National Security Strategy is specified in the Federative Law on Security (2010), which underlines the fact that national security is facilitated by better administrative coordination and development of the capacity of Russian authorities. One such area is the bilateral cooperation of the security authorities. Bilateral relations are also specifically mentioned as a venue for the advancement of Russia's national interests in its Foreign Policy Concept (Kontsepsiya vneshnei politiki Rossijskoi Federatsii 12.2.2013). The reform goals of the Russian government reflect, among other factors, such questions as economic efficiency and modernization of the work force, and the Europe-wide idea that a country's internal security is strengthened by cross-border security cooperation. In this respect, the Russian understanding of national interests should also support the further development of cross-border cooperation.

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### **Notes**

- i. The quotations of interview material are translations from Finnish.
- ii. [http://www.echr.coe.int/Documents/Stats\\_violation\\_1959\\_2014\\_ENG.pdf](http://www.echr.coe.int/Documents/Stats_violation_1959_2014_ENG.pdf)

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